

CITY OF AUSTIN, TEXAS

ORDINANCE NO. 960307- A

AN ORDINANCE ORDERING A REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 13-2 OF THE AUSTIN CITY CODE OF 1992 AS FOLLOWS: 19,218 SQUARE FOOT TRACT OF LAND, FROM "LR" NEIGHBORHOOD COMMERCIAL DISTRICT TO "GR" COMMUNITY COMMERCIAL DISTRICT, LOCALLY KNOWN AS REAR PORTION OF 1000 EAST 50TH STREET, AS MORE PARTICULARLY IDENTIFIED IN THE MAP ATTACHED AS "EXHIBIT A" TO THIS ORDINANCE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING THE REQUIREMENTS OF SECTIONS 2-2-3, 2-2-5, AND 2-2-7 OF THE AUSTIN CITY CODE OF 1992; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That Chapter 13-2 of the Austin City Code of 1992 is amended to change the base zoning district from "LR" Neighborhood Commercial district to "GR" Community Commercial district on the property described in File C14-95-0166, as follows:

19,218 square foot tract of land, said 19,218 square foot tract of land being more particularly described by metes and bounds in "Exhibit B" attached and incorporated herein for all purposes,
[hereinafter referred to as the "Property"]

locally known as the rear portion of 1000 East 50th Street, as more particularly identified in the map attached as "Exhibit A" to this ordinance, in the City of Austin, Travis County, Texas.

PART 2. That it is ordered that the Zoning Map established by Section 13-2-22 of the Austin City Code of 1992 and made a part thereof shall be changed to record the amendment enacted by this ordinance.

PART 3. That the requirements imposed by Sections 2-2-3, 2-2-5, and 2-2-7 of the Austin City Code of 1992, as amended, regarding the presentation and adoption of ordinances are hereby waived by the affirmative vote of at least five members of the City Council.

PART 4. That this ordinance shall become effective upon the expiration of ten days following the date of its final passage, as provided by the Charter of the City of Austin.

PASSED AND APPROVED:

March 7, 1996

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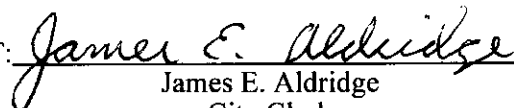
Bruce Todd
Mayor

APPROVED:

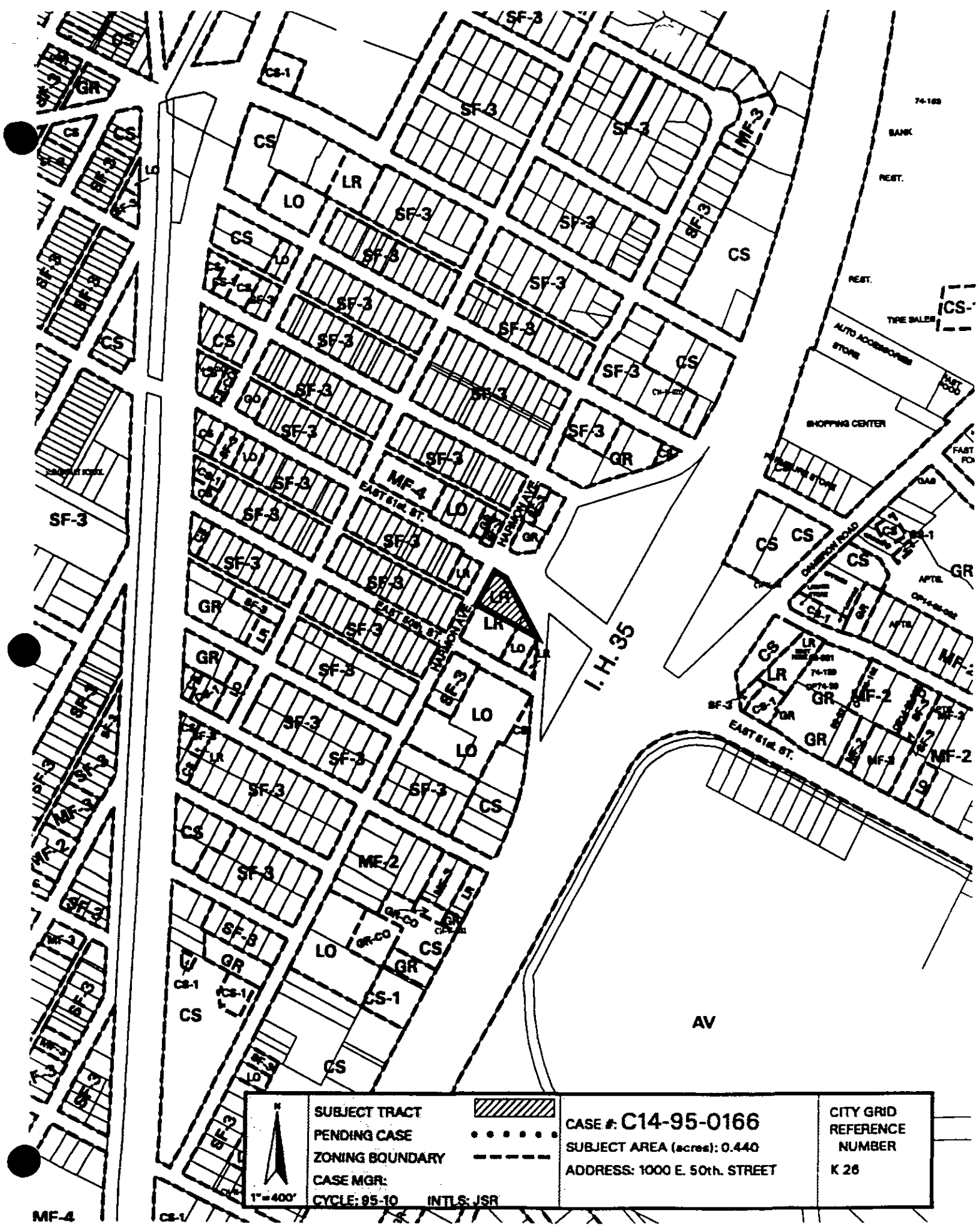




Andrew Martin
City Attorney

ATTEST:



James E. Aldridge
City Clerk



<p>  SUBJECT TRACT PENDING CASE ZONING BOUNDARY CASE MGR: CYCLE: 95-10 </p>	<p>  CASE #: C14-95-0166 SUBJECT AREA (acres): 0.440 ADDRESS: 1000 E. 50th. STREET </p>	<p> CITY GRID REFERENCE NUMBER K 26 </p>
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"Exhibit A"

960307-A

FIELD NOTES
FOR

19,218 SQUARE FEET OF LAND

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND BEING A PORTION OF LOT 1, BLOCK L, RIDGETOP ADDITION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 2, PAGE 200 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING A PORTION OF LOT 2A, RESUBDIVISION OF WEST ONE-HALF OF LOT 2, BLOCK L, RIDGETOP ADDITION, A SUBDIVISION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AS RECORDED IN PLAT BOOK 9, PAGE 55 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a brass disc monument found in the West line of the said Lot 1, Block L, being at the intersection of the South r.o.w. line of East 51st Street and the East r.o.w. line of Harmon Avenue, for the Northwest corner and PLACE OF BEGINNING hereof;

THENCE along the South r.o.w. line of East 51st Street for the following courses:

S 61°17' E for a distance of 6.78 feet to a brass disc monument found at a point of curve

Along a curve to the right whose radius is 1384.39 feet, whose arc is 29.38 feet and whose chord bears S 62°15' E for a distance of 29.38 feet to a brass disc monument found at a point of compound curve

Along a curve to the right whose radius is 238.00 feet, whose arc is 30.06 feet and whose chord bears S 58°00' E for a distance of 30.04 feet to a brass disc monument found at the intersection of the South r.o.w. line of East 51st Street and the West r.o.w. line of Interstate Hwy No. 35;

THENCE along the West r.o.w. line of Interstate Hwy No. 35, S 27°24' E for a distance of 116.96 feet to a 1/2 inch iron pin found in the East line of the said Lot 1, being in the West line of the said Lot 2A;

THENCE continuing along the West r.o.w. line of Interstate Hwy No. 35, S 27°25' E for a distance of 98.69 feet to a brass disc monument found at the Southeast corner of the said Lot 2A, for the Southeast corner hereof;

THENCE along the South line of the said Lot 2A, N 62°28' W for a distance of 80.49 feet to a 1/2 inch iron pin found at the Southwest corner of the said Lot 2A, being in the East line of the said Lot 1;

"Exhibit B"

960307-A

FIELD NOTES
FOR

19,218 SQUARE FEET OF LAND - Page Two

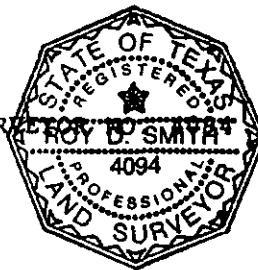
THENCE along the South line of the herein described tract, N 62°28' W for a distance of 161.58 feet to a point in the West line of the said Lot 1, being in the East r.o.w. line of Harmon Avenue, for the Southwest corner hereof;

THENCE along the West line of the said Lot 1, being along the East r.o.w. line of Harmon Avenue, N 27°17' E for a distance of 126.46 feet to the PLACE OF BEGINNING and containing 19,218 square feet of land, more or less.

AS SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith

ROY D. SMITH
REGISTERED PROFESSIONAL SURVEYOR
July 26, 1985



Job No. 1169-86

RESTRICTIVE COVENANT

OWNER: TERRELL TIMMERMAN

ADDRESS: 115 Franklin Avenue, Austin, Texas, 78751

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: 19,218 square foot tract of land, said 19,218 square foot tract of land being more particularly described by metes and bounds in "Exhibit A" attached and incorporated herein for all purposes,
[hereinafter referred to as the "Property"]

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions as conditions of zoning for the Property;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its successors and assigns.

1. No site plan for development of the Property, or any portion of the Property, shall be approved or released, showing access to Harmon Avenue, prior to dedication of 30 feet of right-of-way from the center line of Harmon Avenue for future right-of-way.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

All citations to the Austin City Code shall refer to the Austin City Code of 1992, as amended from time to time, unless otherwise specified. When the context requires, singular nouns and pronouns include the plural.

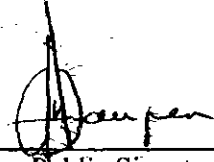
BY: Terrell Timmerman
TERRELL TIMMERMAN

Date: February 6, 1996.

THE STATE OF TEXAS
COUNTY OF TRAVIS

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This instrument was acknowledged before me on this the 6th day of February, 1996, by TERRELL TIMMERMAN.


Notary Public Signature

J.D. HARTER
Type or Print Name of Notary
My Commission Expires: MAY 1996

FIELD NOTES
FOR

19,218 SQUARE FEET OF LAND - Page Two

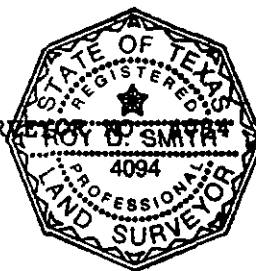
THENCE along the South line of the herein described tract, N 62°28' W for a distance of 161.58 feet to a point in the West line of the said Lot 1, being in the East r.o.w. line of Harmon Avenue, for the Southwest corner hereof;

THENCE along the West line of the said Lot 1, being along the East r.o.w. line of Harmon Avenue, N 27°17' E for a distance of 126.46 feet to the PLACE OF BEGINNING and containing 19,218 square feet of land, more or less.

AS SURVEYED BY:
ROY D. SMITH SURVEYORS, P.C.

Roy D. Smith
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REGISTERED PROFESSIONAL SURVEYOR
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Job No. 1169-86

"Exhibit A"

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THENCE along the West r.o.w. line of Interstate Hwy No. 35, S 27°24' E for a distance of 116.96 feet to a 1/2 inch iron pin found in the East line of the said Lot 1, being in the West line of the said Lot 2A;

THENCE continuing along the West r.o.w. line of Interstate Hwy No. 35, S 27°25' E for a distance of 98.69 feet to a brass disc monument found at the Southeast corner of the said Lot 2A, for the Southeast corner hereof;

THENCE along the South line of the said Lot 2A, N 62°28' W for a distance of 80.49 feet to a 1/2 inch iron pin found at the Southwest corner of the said Lot 2A, being in the East line of the said Lot 1;

"Exhibit A"

PO#: 960307A

Ad ID#: 3BQZ01200

Acct #: 4992499

Austin American-Statesman

Acct. Name: City Clerk

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

ORDINANCE NO. 960307-A
AN ORDINANCE ORDERING A RE-
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SQUARE FOOT TRACT OF LAND,
FROM "LR" NEIGHBORHOOD
COMMERCIAL DISTRICT TO "GR"
COMMUNITY COMMERCIAL DIS-
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PORTION OF 1000 EAST 50TH STREET,
AS MORE PARTICULARLY IDENTIFIED
IN THE MAP ATTACHED AS "EXHIBIT
A" TO THIS ORDINANCE, IN THE CITY
OF AUSTIN, TRAVIS COUNTY, TEXAS;
WAIVING THE REQUIREMENTS OF
SECTIONS 2-2.3, 2-2.5, AND 2-2.7 OF
THE AUSTIN CITY CODE OF 1992;
AND
AUSTIN, TEXAS

Before me, the undersigned authority, a Notary Public in and for the County of
Travis, State of Texas, on this day personally appeared:

Sharon Janak

Classified Advertising Agent of the *Austin American-Statesman*, a daily
newspaper published in said County and State that is generally circulated in
Travis, Hays, Burnet and Williamson Counties, who being duly sworn by me,
states that the attached advertisement was published in said newspaper on the
following dates, to wit:

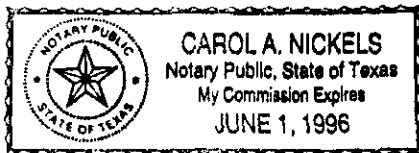
Date (s): March 28th, 1996

Class: 9980 Lines: 23 Cost: 456.58

and that the attached is a true copy of said advertisement.

Sharon Janak

SWORN AND SUBSCRIBED TO BEFORE ME, this the 28th day of Mar, 1996.



Carol A. Nickels
Notary Public in and for
TRAVIS COUNTY, TEXAS

Carol A. Nickels
(Type or Print Name of Notary)

My Commission Expires: 6/1/96